

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD J. TRUMP FOR
PRESIDENT, INC., *et al.*,

Plaintiffs,

v.

KATHY BOOCKVAR, *et al.*,

Defendants.

:
: Civil Action
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: No. 2:20-CV-966
:
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: Judge J. Nicholas Ranjan
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:
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MOTION TO DISMISS

AND NOW come Defendant Allegheny County Board of Elections (hereinafter “Allegheny County”), by and through its attorneys, Andrew F. Szefi, Allegheny County Solicitor, George M. Janocsko, First Assistant County Solicitor, and Allan J. Opsitnick, Assistant County Solicitor, and respectfully moves for dismissal of the Plaintiffs’ Complaint pursuant to Fed. R. Civ. P. 12 (b) (1) and Fed. R. Civ. P. 12(b)(6) for lack of subject-matter jurisdiction for the following reasons: (1) the Plaintiffs’ lack standing to bring their claims; (2) the Plaintiffs’ claims are not ripe for adjudication; (3) the Plaintiffs’ Complaint fails to state a claim upon which relief can be granted against Allegheny County.

Additionally, Allegheny County incorporates by reference in their entirety as part of its Motion to Dismiss all other legal grounds for dismissal of the Plaintiffs’ Complaint asserted in the motion to dismiss and accompanying briefs filed today

with the Court on behalf of the Bucks, Chester, Montgomery and Philadelphia County Boards of Elections, in the motion to dismiss and accompanying brief filed today with the Court on behalf of the Armstrong, Bedford, Blair, Centre, Columbia, Dauphin, Fayette, Indiana, Lackawanna, Lawrence, Mercer, Montour, Northumberland, Venango, and York County Boards of Elections and in the motion to dismiss and accompanying brief filed today with the Court on behalf of Kathy Boockvar, the Secretary of the Commonwealth of Pennsylvania.

In the alternative, Allegheny County respectfully requests that the Court abstain from exercising jurisdiction over the Plaintiffs' claims in this case based upon under the abstention doctrines enunciated by the United States Supreme Court in *Railroad Com'n of Texas v. Pullman Co.*, 312 U.S. 496 (1941) and in *Burford v. Sun Oil Co.*, 319 U.S. 315 (1943).

DATE: JULY 24, 2020

Respectfully submitted,

/s/ George M. Janocsko

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/s/ Allan J. Opsitnick

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CERTIFICATE OF SERVICE

I hereby certify that, on the date indicated below, a true and correct copy of the foregoing Motion to Dismiss filed on behalf of the Allegheny County Board of Elections has been served on all counsel of record via the United States District Court for the Western District of Pennsylvania's CM/ECF filing system.

Dated: July 24, 2020

/s/ George M. Janocko
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